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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,761	10/12/2005	Wilhelmus Franciscus Fontijn	NL 030421	4529

24737 7590 12/24/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
CHIO, TAT CHI	
ART UNIT	PAPER NUMBER
2621	
MAIL DATE	DELIVERY MODE
12/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/552,761	FONTIJN, WILHELMUS FRANCISCUS	
	Examiner	Art Unit	
	TAT CHIO	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 October 2005* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because the elements in the drawings are not labeled with electronic components. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-13 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Supreme Court precedent and recent Federal Circuit decisions indicate that a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claim(s) recite a series of steps or acts to be performed, the claim(s) neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process. For example, the steps in the method computing a distance between angle points, compensating for an offset...interleaved blocks, computing a maximum number of angle points...reproducing apparatus; and making interleaved blocks…recording the multi angle data on the interleaved blocks do not tie to a particular apparatus.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 6, 10, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Spencer et al. (US 6,862,604 B1).

Consider claims 1 and 10, Spencer teaches storage device for storing data on a recording medium (40) by using allocation classes for optimizing storage and retrieval of said data based on properties of their content, said device comprising: a) discriminating means (320) for discriminating a type of said data based on a predetermined property of said data (210 of Fig. 2); b) tracking means (340) for tracking a usage pattern for a discriminated type of said data (220 of Fig. 2); and c) class selection means (330) for selecting an allocation class used for storing said discriminated type of data, based on said usage pattern (Fig. 3).

Consider claims 2 and 11, Spencer teaches a device, wherein said discriminating means (320) is arranged to discriminate said type of said data based on at least one of a file extension, a kind of data source, and a file size of said data (210 of Fig. 2).

Consider claim 6, Spencer teaches a device, wherein said class selection means (330) is arranged to select a best effort allocation class for files with a first file extension indicating a still picture (Fig. 3), a low rate stream allocation class for files with a second file extension indicating an audio file (Fig. 3), and a high rate stream allocation class for a third file extension indicating a video file (Fig. 3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer et al. (US 6,862,604 B1) in view of Cabrera et al. (5,802,599).

Consider claim 3, Spencer teaches all the limitations in claim 1 but does not explicitly teach a device wherein said recording medium is an optical disc.

Cabrera teaches a device wherein said recording medium is an optical disc (16 of Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an optical disc as a recording medium to provide user with greater convenience.

Consider claim 5, Cabrera teaches a device, wherein said storage device comprises an optical disc recording device (16 of Fig. 1).

Consider claim 7, Cabrera teaches a device, further comprising buffer means (310) for caching said data (Fig. 2).

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer et al. (US 6,862,604 B1) in view of Cabrera et al. (5,802,599) and Okuyama et al. (US 7,493,023 B2).

Consider claim 8, the combination of Spencer and Cabrera teaches all the limitations in claim 1 but does not explicitly teach a device, wherein said class selection means (330) is arranged to assume a video file if said buffer means (310) indicates an overflow before the end of file has been stored.

Okuyama teaches a device, wherein said class selection means (330) is arranged to assume a video file if said buffer means (310) indicates an overflow before the end of file has been stored (Fig. 7B). Therefore, it would have been obvious to one

of ordinary skill in the art at the time the invention was made to apply the technique of virtual buffer taught by Okuyama to the device taught by Spencer and Cabrera to efficiently utilize the buffer memory.

6. Claims 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer et al. (US 6,862,604 B1) in view of Whipple II (5,333,311).

Consider claim 9, Spencer does not explicitly teach a device, wherein said class selection means (330) is arranged to select a volatile file allocation class if said usage pattern indicates a writing frequency greater or equal to a predetermined threshold.

Whipple II teaches a device, wherein said class selection means (330) is arranged to select a volatile file allocation class if said usage pattern indicates a writing frequency greater or equal to a predetermined threshold (403 and 404 of Fig. 4 where "active" corresponds to "volatile"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the known device that sets a priority to each file based upon its characteristic and frequency of usage taught by Whipple II to the device taught by Spencer and Cabrera to minimize seek time of disk access.

Consider claim 13, Spencer and Whipple II teach a method, wherein said allocation class is selected from a set of allocation classes comprising a best effort allocation class (Fig. 3 of Spencer), a high rate stream allocation class (Fig. 3 of Spencer), a low rate stream allocation class (Fig. 3 of Spencer), a volatile file allocation class, and a non-volatile file allocation class (403 and 404 of Fig. 4 of Whipple II).

7. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer et al. (US 6,862,604 B1) in view of Lenard et al. (US 2004/0010440 A1).

Consider claims 4 and 12, Spencer teaches all the limitations in claim 1 but does not explicitly teach a device, wherein said class selection means (330) is arranged to predict said usage pattern for a predetermined file extension.

Lenard teaches a device, wherein said class selection means (330) is arranged to predict said usage pattern for a predetermined file extension ([0035]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the known system taught by Lenard to the device taught by Spencer to prevent unauthorized users from accessing and using files.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAT CHIO whose telephone number is (571)272-9563. The examiner can normally be reached on Monday - Thursday 9:00 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. C. C./
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621